FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6571 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Shri P.S.Dani for the petitioners

Shri G.S.Godbole for Respondent Nos.1 to 14.

Coram : R.S.Mohite,J

Date : 17.11.2005.

PC

1. This writ petition impugns an order passed by the Joint Charity Commissioner, Maharashtra State, Mumbai on 24.8.2005 suspending the three petitioners who are the trustees of "Menon Masjid" which is a public trust registered under the Bombay Public Trusts Act. The action of suspension has been taken in pursuance of

powers conferred under Section 41-D of the said Act. By the said order one Mr.V.G.Magdoom has been appointed as a person to look after the trust's affairs. It is an admitted position that the said person has taken the charge. On the perusal of the order, I find that there are allegations of several financial irregularities including mis-appropriation of monies. Two of the trustees are over 90 years of age. It is not disputed before me that the Joint Charity Commissioner has powers under Section 41-D to suspend the trustees. There is no allegation that the order has been passed due to any extraneous reason. I feel that there is no case made out for interference in my jurisdiction under Article 227 of the Constitution of India. However, since two of the trustees are over 90 years of age, in order to enable them to clear their

names, it would be desirable that the enquiry under Section 41-D be completed as early as possible and in any case before 31.6.2006.

(R.S.Mohite,J)